

**District IV Advisory Board
Meeting Minutes
November 2, 2005**
www.wichita.gov

The **District IV Advisory Board Meeting** was held at 7:00 p.m. at the Lionel Alford Branch Library. In attendance was nine (9) District Advisory Board members, six (6) staff and approximately twenty (20) citizens with seventeen (17) signing in.

Members Present

Michael Gisick
Tom Englemann
Mary Cockburn
Marjorie Griffith
Peggy Bennett
Gerald Marsh
Jerry McGinty
Jim Benton
Ed Koon
Joshua Blick
Council Member Gray

Staff Present

Officer Voyles, Police
Officer Johnson, Police
Officer Fisher, Police
Bill Longnecker, Planning
Deb Legge, OCI
Randy Sparkman, OCI
Brandon Kauffman, City Manager's Office

Members Absent

Doug Leeper

Guests

Listed on Page 5 & 6

Order of Business

Call to Order

The meeting was called to order at 7:00 p.m.

Jerry McGinty (Benton) moved to approve the agenda for the November 2, 2005 meeting but switch items 4 & 5. The motion passed 6-0.

Jerry McGinty (Tom Englemann) moved to approve the minutes for the October 5, 2005 meeting. The motion passed 6-0.

Public Agenda

The Public Agenda allows members of the public to present matters to the District Advisory Board. Each presentation is limited to a period of five minutes unless extended by the Board.

1. Scheduled Items

No items were presented to the District Advisory Board.

2. Off-Agenda Items

No items were presented to the District Advisory Board.

Staff Presentations

3. Community Police Officers

Officer Voyles, Community Police Officer for 27 beat, stated that there has been a string of burglaries in the block of 3000 S Bonn. Police have focused in on this area and the break-ins have since declined.

Officer Greg Johnson, Community Police Officer for 16 beat, stated that the main activity for his beat is at the West Mall. Shoplifting is the number activity in the area because of the mall, approximately 700 people were arrested in 2004 for shoplifting.

Michael Gisick, stated that previous 27 beat officer Bill Stevens has been recognized and rewarded the Donovan Drive Customer Service Award.

Action: Receive and File.

4. CON2005-0042

Bill Longnecker, Planning Department, stated that this planning case is in regards to a conditional use to allow a nightclub within 200 feet of residential zoning districts and a church. The restaurant owner would like to add live entertainment and dancing.

The site is currently a restaurant/drinking establishment (DER license), which limits its liquor sales to 50% of the total sales. A nightclub designation is allowed unlimited liquor sales, regardless of whether or not there are food sales. The applicants have proposed the night club's days of operation to be Thursday – Sunday, with its hours of operation between 9pm – 1 am, Thursday –Saturday and 9pm – 12 am on Sundays.

The MAPC considered this request at their October 20, 2005 meeting. The MAPC recommended denial (10-0) for the Conditional Use to allow a nightclub at the site. Planning staff recommends the conditional use permit be approved, with the following conditions:

- 1) Days of operation will be Thursday – Sunday. Hours operation will be between 9pm – 1am, Thursday – Saturday and 9 pm – 12 am on Sundays.
- 2) The operation of the nightclub will only be allowed as long as there is a restaurant/dER as the primary use in the building.
- 3) The nightclub will provide either live music or music provided by a DJ for dancing patrons of the nightclub.
- 4) A revised site plan will be provided that will determine if the site has enough parking for the proposed nightclub and restaurant.

- 5) Solid screening will be erected along the site's east side, where it abuts the massage therapy's site. The screening will be shown on the revised site plan.
- 6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional User is null and void.

Ed Koon asked what the next steps were for the zoning case.

Longnecker stated that the applicant wanted to attend the DAB meeting tonight but had to work. This item must be appealed tomorrow for the City Council to consider.

Koon stated that it is very important that these cases be considered before they go to MAPC. Since the DAB provides MAPC with recommendations they should hear the case so that the MAPC may consider input from the neighborhood.

Joshua Blick stated that he had discussed this proposal with the property owner and his understanding was that the owner is proposing this so that they may have quinceanera.

Longnecker stated that this was not the purpose and that the applicant had originally filed for a nightclub designation.

Sparkman stated that a nightclub by designation includes live music and entertainment. He stated that there are two types of licensing, which are DE (drinking establishments) and DER (drinking establishment restaurant. DER are allowed to have individuals under the age of 21 in them.

Blick asked if there was a way to receive a temporary permit to allow for these types of occasions. **Sparkman** stated that there was not.

Council Member Gray opened the meeting up for public comments.

Sharon Burton, 901 Southerland, stated that she is the principal for the Wichita Christian Academy and that there are 4 schools and churches in the general vicinity. She is concerned with the safety and welfare of the students in the area.

Perkins May, stated that she is a member of the church that is a block away and that the nightclub would hurt the surrounding neighborhood.

Paul Ward, 2857 S Walnut, stated that the neighborhood he lives in is relatively small about 2 blocks N & S and 2 blocks E & W. Neighbors in the area may look out their back door and see the restaurant, which will cause some sound problems in the neighborhood. Children also walk to school through the parking lot, which is a safety concern for them.

Irene Armstrong, 1109 Greenfield, stated that the noise is a big issue because of the facility. She stated that the building is mostly glass, which will not serve as a barrier to sound. The Neighborhood Association has worked very hard to cut down on the noise from the cars on

Seneca and it would be a disservice to increase the noise through a nightclub. She is also concerned about the safety of the children and that the restaurant is not very friendly to the neighborhood. Crime is also an important issue.

Patrick Eveninton, 482 Barbara, stated that a nightclub will increase DUIS, speeders, and problems stemming from an alcohol establishment in the area. Children will also be around at night when the nightclub is open because of the church across the street.

CM Gray closed the public meeting and opened up discussion for the advisory board.

Gerald Marsh asked Irene if there is noise from the establishment currently. **Armstrong** stated that there was not but there will be if this is approved.

Benton asked what the difference was between the Texas Roadhouse Saloon and this restaurant because the Texas Roadhouse staff dance and play music. **Staff** stated that the food is more than likely 50% or more of sales.

McGinty stated that the traffic coming out of 27th and Seneca is also a concern and that a light should be installed at that corner.

Action: Gisick (Benton) motioned to recommend to support MAPC denial of this case. Motion passed 9-0.

5. Neighborhood Inspection – Housing and Zoning

Randy Sparkman, OCI, stated that he is the zoning, licensing, and sign supervisor for the Office of Central Inspection. His area of concern is primarily with commercial zone issues, complaints for illegal businesses, work with developers on zoning issues, and commercial businesses regarding signs. He is also the graffiti supervisor for the city and runs the program that is responsible for graffiti removal.

Deb Legge, OCI, stated that she is the supervisor for the neighborhood inspectors for the Office of Central Inspection. Their primary areas of concern are dealing with such issues as blighted houses or RV's, and neighborhood cleanups. This year the Office of Central Inspections has completed 82 neighborhood cleanups, which averages 2-3 every weekend. OCI has outfitted staff with wireless connected laptops so that more work may be accomplished out in the field.

Marsh asked if the city needed written permission to cleanup graffiti. **Sparkman** stated that the city must attain a signed document to clean the property. The owner if permission is not given is allowed a certain amount of time to remove the graffiti, if the owner does not remove, the city may at costs to the owner.

Irene Armstrong asked why inspectors do not check properties after hours for nightclubs. **Sparkman** stated that this is done on a case-by-case basis. Police are also involved in the after hours checks of nightclubs instead of OCI staff.

Gisick asked if citizens might submit complaints online. **Gray** stated that the Information Technology department has prototypes running, there are some issues that need to be worked out but this should be available to the public soon.

Board Agenda

Michael Gisick stated that he has just finished the Citizens Academy program.

Marjorie Griffith stated that Southwest Interfaith Ministries has stated the Operation Holiday program.

Council Member Gray stated that there will be breakfast on November 12 but the December breakfast will be cancelled. The issue with sexuality oriented businesses is not driven strictly by morality issues for everyone on the City Council, issues such as trash and environmental concerns are a major factor that must be considered.

Marsh stated that he was glad that the Council allowed a two year amortization because one year was unreasonable on a business to relocate.

Benton asked how many of the businesses in question were out of compliance. **Gray** stated 8 Or 9.

Benton (Cockburn) motioned to adjourn. The meeting adjourned at 8:44 pm.

Respectfully Submitted,

Brandon Kauffman
District IV Neighborhood Assistant

Guests

Charles Armstrong
Bill Arens
Sharon Burton
Paul Ward
Tina Everton
Pat Everton
Roberta J Davis
John Davis Jr.
Bob and Pat Sehall
Lois Campbell
Don and Caryl Weinberg
Diane Conrad

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Darlene Nuse
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